

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REISSUE PATENT APPLICATION TRANSMITTAL

Address to:

COMMISSIONER FOR PATENTS  
MAIL STOP REISSUE  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attorney Docket No.

01387RE/HG

First Named Inventor

Kamiya

Original Patent Number

6,063,806

Original Patent Issue Date  
(Month/Day/Year)

05/16/2000

Express Mail Label No.

EV 335 579 226 US

## APPLICATION FOR REISSUE OF:

(Check applicable box)



Utility Patent



Design Patent



Plant Patent

## APPLICATION ELEMENTS (37 CFR 1.173)

1. ☒ Fee Transmittal Form (PTO/ SB/ 56)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification and Claims in double column copy of patent  
format (amended, if appropriate)
4. ☐ Drawing(s) (proposed amendments, if appropriate)
5. ☒ Reissue Oath/Declaration (original or copy)  
(37 C.F.R. § 1.175) (PTO/SB/51 or 52)
6. ☒ Power of Attorney
7. Original U.S. Patent currently assigned? ☒ Yes ☐ No  
(If Yes, check applicable box(es))
  - ☒ Written Consent of all Assignees (PTO/SB/53)
  - ☒ 37 C.F.R. § 3.73(b) Statement  
(PTO/SB/96)
8. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix)  
or large table
9. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all of the following are necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM (2 copies) or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

10. ☒ Statement of status and support for all changes  
to the claims. See 37 CFR 1.173 (c).
11. ☐ Original U.S. Patent for surrender
  - ☐ Ribbonded Original Patent Grant
  - ☐ Statement of Loss (PTO/SB/55)
12. ☒ Foreign Priority Claim (35 U.S.C. 119)  
(if applicable)
13. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS  
Citations
14. ☐ English Translation of Reissue Oath/Declaration  
(if applicable)
15. ☒ Preliminary Amendment
16. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
17. Other: \_\_\_\_\_

## 18. CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label

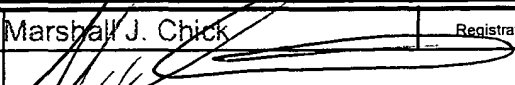
01933



Correspondence address below

(Insert Customer No. or Attach bar code label here)

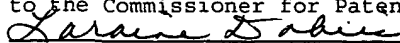
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

NAME (Print/Type)	Marshall J. Chick	Registration No. (Attorney/Agent)	26853
Signature		Date	6/27/03

Express Mail Mailing Label No.: EV 335 579 226 US

Date of Deposit: June 27, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop REISSUE, P.O. Box 1450, Alexandria, VA 22313-1450

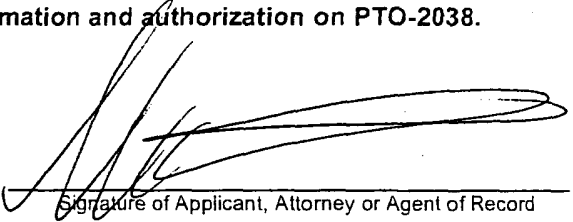
  
Laraine Dobies

06/27/03

10/609224

06/27/03

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE APPLICATION FEE TRANSMITTAL FORM						Docket Number (Optional)	
Claims as Filed - Part 1							
Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity	
				Rate	Fee	Rate	Fee
(A) 19	Total Claims (37 CFR 1.16(j))	(B) 13	**** 0 =	x \$ _____ =		or	x \$ _____ =
(C) 1	Independent claims (37 CFR 1.16(i))	(D) 1	* 0 =	x \$ _____ =			x \$ _____ =
Basic Fee (37 CFR 1.16(h))					\$ _____		\$ 750.00
Total Filing Fee					\$ _____	OR	\$ 750.00
Claims as Amended - Part 2							
	(1) Claims Remaining After Amendment	(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
				Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	***	MINUS	**	x \$ _____ =			x \$ _____ =
Independent Claims (37 CFR 1.16(i))	***	MINUS	*****	x \$ _____ =			x \$ _____ =
Total Additional Fee					\$ _____	OR	\$ _____
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.</p> <p>*** After any cancellation of claims.</p> <p>**** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. <u>06-1378</u> A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> A check in the amount of \$ <u>750.00</u> to cover the filing / additional fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p style="text-align: center;"><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div> <p><u>June 27, 2003</u></p> <p>Date</p> </div> <div style="text-align: center;">   <p>Signature of Applicant, Attorney or Agent of Record</p> <p><b>Marshall J. Chick 26,853</b></p> <p>Typed or printed name</p> </div> </div>							

Please type a plus sign (+) inside this box → [+] Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

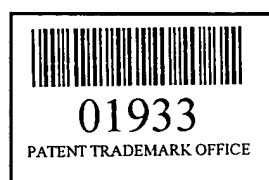
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>CHANGE OF CORRESPONDENCE ADDRESS Application</b>  <b>Address to:</b> <b>COMMISSIONER FOR PATENTS</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	Patent Number	6,063,806
	Filing Date	May 16, 2000
	First Named Inventor	Shoji Kamiya
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	01387RE/HG

Please change the Correspondence Address for the above-identified application to:

☒ Customer Number [ 01933 ] →  
*Type Customer Number here*

OR



<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone				Fax	

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- ☐ Applicant/Inventor.
- ☐ Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ Attorney or Agent of record.
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_.

Typed or Printed

Name

Marshall J. Chick, Reg. No. 26,853

Signature

Date

June 27, 2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☐ Total of \_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Patent No. 6,063,806  
Amdt. dated June 27, 2003  
Re: Reissue of USP 6,063,806

Attorney Docket No. 01387RE/HG

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Patent Owner: KYOTO PHARMACEUTICAL  
INDUSTRIES, LTD.

Patentee : Shoji KAMIYA et al.


Patent No. : 6,063,806

Issue Date : May 16, 2000

Title : INDOLYL OR INDOLINYL  
DERIVATIVES AND MEDICAL  
USE THEREOF AS ACAT OR  
LIPID PEROXIDATION  
INHIBITORS

Express Mail Mailing Label  
No.: EV 335 579 226 US  
Date of Deposit: June 27, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Laraine Dobies

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

**STATEMENT OF STATUS OF CLAIMS AND SUPPORT FOR  
CLAIM CHANGES PURSUANT TO 37 CFR 1.173(c)**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

The following lists the status of claims in the above-identified patent and states support for the changes to the claims.

1. Claims 1-10 and 12-16 are cancelled.

2. Claim 11 (pending) is amended. Support for the non-deleted subject matter of claim 11 is in the original claim 11. Also, a spelling error in the first compound was corrected. This

Patent No. 6,063,806  
Amdt. dated June 27, 2003  
Re: Reissue of USP 6,063,806

is an obvious correction to an obvious error. Furthermore, the compound was correctly spelled in the original claim as filed and therefore this corrects a publishing error in the patent (see pages 93 and 94 of the original specification attached hereto).

3. Claim 17 (pending) is amended. Support for the amended claim 17 is in original claim 17. Claim 17 was dependent on claim 1 which is generic to claim 11.

4. Claims 18 and 19 are pending and not amended.

5. Claim 20 (pending) is amended. The acid addition salts listed in claim 20 are supported in the specification at column 7, lines 53-54.

6. Claims 21-27 (pending) are new claims. They separately claim the species which remain in claim 11 as now amended. Thus, they find support in claim 11.

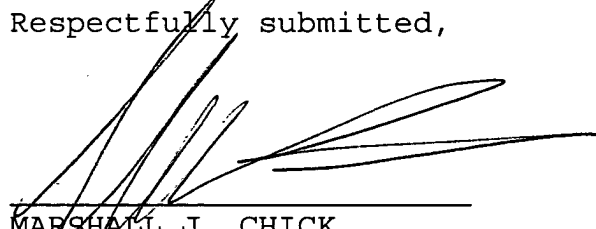
7. Claim 28 (pending) is a new claim. It finds support in Example 5 near the end of column 21, lines 62 et seq.

8. Claim 29 (pending) is a new claim. It finds support in Example 6 at column 22, line 20 et seq.

9. Claim 30 (pending) is a new claim. It finds support in Example 7 at column 22, lines 44 et seq.

Frishauf, Holtz, Goodman  
& Chick, P.C.  
767 Third Ave., 25th Floor  
New York, NY 10017-2023  
Tel. No. (212) 319-4900  
Fax No.: (212) 319-5101  
MJC/ld

Respectfully submitted,



MARSHALL J. CHICK  
Reg. No. 26,853